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U.S. PTO

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. of: Paul J. Thompson

Art Group: 3738

Serial No.: 09/496,088 (Prior Appl.)

Examiner: Paul B. Prebilic (Prior
Appl.)

Serial No.: (New Appl.)

Atty. Docket: 23,369-162

Filed: February 10, 2004

For: Braided Composite Prosthesis

REQUEST FOR DIVISIONAL APPLICATION UNDER 37 CFR 1.53(b)

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request under 37 CFR 1.53(b) for filing of a Divisional Application pursuant to 35 U.S.C. § 121 of copending prior application Serial No. 09/496,088, filed February 1, 2000.

A. Application in the form intended for publication

The accompanying divisional application includes the following items:

specification (amended) – 20 pages;
claims (including new claims) - 3 pages;
abstract - 1 page;
formal drawings - 9 sheets; and
declaration and power of attorney - 2 pages.

This application does not contain any subject matter that would have been new matter in prior application Serial No. 09/496,088, which application is incorporated by reference in this application. A copy of prior application Serial No. 09/496,088 is not enclosed.

B. Amendments

The prior application is amended by canceling original claims 1-59, and by adding new claims 60-77. Accordingly, the filing fee is calculated based upon claims 60-77.

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U.S. PTO



C. Title

1. The title of the original application is:

Braided Composite Prosthesis

2. The title of this application is:

Braided Composite Prosthesis

D. Identification of Inventors

- 1: The name and correspondence address of each original inventor:

Paul J. Thompson
9125 40 1/2 Avenue North
New Hope, Minnesota 55427

2. Name and current correspondence address of each present inventor:

Paul J. Thompson
9125 40 1/2 Avenue North
New Hope, Minnesota 55427

E. Inventorship

This application discloses and claims only subject matter disclosed in the prior application.

The inventorship in this application is the same as in the prior application.

F. Waiver of Confidentiality

It is understood that confidentiality under 35 U.S.C. 122 is hereby waived to the extent that permitted access to any one of the applications in the file wrapper of a continuing application, be it either this application or a prior application in the same file wrapper, results in similar access to all the other applications in the same file wrapper.

G. Declaration

A copy of a Declaration and Power of Attorney is enclosed. See item A above.

H. Small Entity Status

Not applicable.

I. Formal Drawings

Nine sheets including Figs. 1-19 of formal drawings are submitted herewith.

J. Fee Calculation

CLAIMS FOR FEE CALCULATION

Basic Fee	\$770.00
Number of independent claims, minus 3 = 0 times \$86.00	.00
Total number of claims in excess of 20 = 0 times \$18.00	<u>.00</u>
Total Filing Fee	\$770.00

K. Fee Payment

A check in the amount of \$770.00 is enclosed to cover the filing fee.

L. Authorization Regarding Fees

The Commissioner is hereby authorized to charge any additional fees listed in 37 CFR 1.16 and 1.17 which may be required by this Rule 53 filing, or credit any overpayment, to Deposit Account No. 12-0449.

M. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

Not applicable.

N. Priority - 35 U.S.C. 119

Not applicable.

O. Reference to Prior Application(s) - 35 U.S.C. 120

Amend the specification by inserting before the first line, the sentence: -- This is a divisional of copending application Serial No. 09/496,088, filed February 1, 2000 as a divisional of application Serial No. 08/919,428 (now U.S. Patent No. 6,019,786), filed August 27, 1997 as a divisional of application Serial No. 08/640,062 (now U.S. Patent

No. 5,758,562) filed April 30, 1996 and claiming the benefit of Provisional Patent Application No. 60/005,209 filed October 11, 1995.

See Item S below as to copendency.

P. Assignment

An assignment of the original application (parent of the prior application) was recorded in the Patent and Trademark Office July 29, 1996, on Reel 8055 beginning at Frame 0823.

Q. Power of Attorney

1. The most recent Power of Attorney in the prior application was filed March 25, 1999, appointing: Luke R. Dohmen, Registration No. 36,783; Peter J. Gafner, Registration No. 36,517; Robert M. Rauker, Registration No. 40,782; Todd P. Messal, Registration No. 42,883; David L. Cavanaugh, Registration No. 36,476; Patricia LaMarche-Davis, Registration No. 37,866; Mark J. Casey, Registration No. 37,796; and William J. Shaw, Registration No. 43,111; and further appointing Frederick W. Niebuhr, Registration No. 27,717; John F. Klos, Registration No. 37,162; and Andrew D. Ryan, Registration No. 39,351 as attorneys/agents to prosecute the application and transact all business in the U.S. Patent and Trademark Office connected therewith.

A copy of this Power of Attorney is enclosed herewith.

2. Direct all future communications regarding this application to:

Frederick W. Niebuhr
Registration No. 27,717

Customer No. 23,452

Telephone No. (952) 896-1574

R. Petition for Extension of Time in Prior Application

Not applicable.

S. Copendency of Applications

The prior application has been allowed and the issue fee has been paid.

The prior application is expected to issue in due course. Please assign to this divisional application a filing date to insure its copendency with the prior application.

T. Information Disclosure Statement

No Information Disclosure Statement is being filed at this time.

Respectfully Submitted,
Boston Scientific Scimed, Inc.

Dated: February 10, 2004

By: 
Frederick W. Niebuhr
Reg. No. 27,717

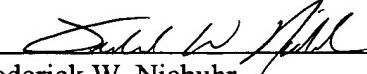
Customer No. 23,452

Direct Telephone: (952) 896-1574

CERTIFICATE OF EXPRESS MAILING

Pursuant to 37 CFR 1.10, I hereby certify that this Request for Divisional Application Under 37 C.F.R. 1.53(b) (of application Serial No. 09/496,088) and accompanying papers including 24 pages of application text, 9 sheets of formal drawings, declaration (copy) and power of attorney (copy), are being deposited with the U.S. Postal Service by Express Mail, Post Office to Addressee service, addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of deposit and under the mailing label number indicated below.

Date of Deposit: February 10, 2004


Frederick W. Niebuhr

Mailing Label No.: EV258650040US

920219.1

Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. of: Paul J. Thompson Art Group: 3738
Serial No.: 09/496,088 (Prior Appl.) Examiner: Paul B. Prebilic
(Prior Appl.)
Serial No.: (New Appl.) Docket No. 23,369-162
Filed:
For: Braided Composite Prosthesis

TRANSMITTAL

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed for filing are the following items:

1. Request for Divisional Application Under 37 CFR 1.53(b) (5 pages);
2. Divisional Application, consisting of 20 pages of specification; 3 pages of claims; 1 page of Abstract and 9 sheets of formal drawings;
3. Copy of Declaration and Power of Attorney (signed) filed in original application;
4. Copy of later-filed Revocation of Prior Powers of Attorney and Power of Attorney;
5. Statement Regarding Divisional Application (2 pages);
6. Check in the amount of \$770.00 for the filing fee; and
7. Return Receipt Post Card.

Statement of incorporation by reference - MPEP Section 201.06(c): The subject matter of prior application Serial No. 09/496,088 is hereby incorporated by reference in the present application.

Please charge any further fees necessitated by this correspondence, or refund any overpayment, to Deposit Account 12-0449.

Please direct any questions or comments to Frederick W. Niebuhr at 952-896-1574.

Respectfully submitted,

Boston Scientific Scimed, Inc.

Dated: February 10, 2004

By: 
Frederick W. Niebuhr
Reg. No. 27,717

Customer No. 23,452

CERTIFICATE OF EXPRESS MAILING

Pursuant to 37 CFR 1.10, I hereby certify that this Transmittal and accompanying Request for Divisional Application, divisional application entitled "Braided Composite Prosthesis" including 20 pages of specification, 3 pages of claims, 1 page of abstract and 9 formal drawing sheets, copy of Declaration and Power of Attorney, copy of later-filed Revocation of Prior Powers of Attorney and Power of Attorney, Statement Regarding Divisional Application, and check in the amount of \$770.00 in payment of the filing fee, are being deposited with the U.S. Postal Service by Express Mail, Post Office to Addressee service, addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of deposit and under the mailing label number indicated below.

Date of Deposit: February 10, 2004


Frederick W. Niebuhr

Mailing Label No.: EV258650040US

920228.1

Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. of: Paul J. Thompson Art Group: 3738
Serial No.: 09/496,088 (Prior Appl.) Examiner: Paul B. Prebilic
(Prior Appl.)
Serial No.: (New Appl.) Docket No. 23,369-162
Filed:
For: Braided Composite Prosthesis

STATEMENT REGARDING DIVISIONAL APPLICATION

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests examination of the enclosed application submitted in the form preferred for publication, including specification, claims, abstract and drawings. The enclosed application incorporates the following amendments of the prior application:

In the Specification:

On the first page, after the title, the following additional paragraph is inserted:

-- This is a divisional of copending application Serial No. 09/496,088, filed February 1, 2000 as a divisional of application Serial No. 08/919,428 (now U.S. Patent No. 6,019,786), filed August 27, 1997 as a divisional of application Serial No. 08/640,062 (now U.S. Patent No. 5,758,562) filed April 30, 1996 and claiming the benefit of Provisional Patent Application No. 60/005,209 filed October 11, 1995. --

On pages 9, 15, and 19, the specification has been amended to enter the application serial numbers entered in the prior application, and to identify by number the U.S. patents corresponding to the U.S. patent applications entered in the prior application.

In the Claims:

Claims 1-59 are cancelled.

Claims 60-77 are added.

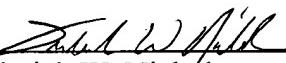
The formal drawings are the same as those submitted in the prior application.

Consideration of claims 60-77 on the merits is respectfully requested.

Respectfully submitted,

Boston Scientific Scimed, Inc.

Dated: February 10, 2004

By: 
Frederick W. Niebuhr
Reg. No. 27,717

Customer No. 23,452

CERTIFICATE OF EXPRESS MAILING

Pursuant to 37 CFR 1.10, I hereby certify that this Statement Regarding Divisional Application is being deposited with the U.S. Postal Service by Express Mail, Post Office to Addressee service, addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of deposit and under the mailing label number indicated below.

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Frederick W. Niebuhr

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